

1.7450 Putnam

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-198471

DATE: March 18, 1981

MATTER OF: Gerald Goldberg <sup>Claim for</sup> Lodging Expenses and  
Parking Fees at Headquarters Incident  
to Attendance at Meeting

**DIGEST:**

GAO employee stationed in Washington, D.C., who attended annual meeting of President's Committee on Employment of the Handicapped in Washington, D.C., seeks reimbursement of cost of lodging for 2 nights at Washington Hilton Hotel for himself and wife who accompanied him as his attendant, and also parking fees. Absent specific statutory authority, lodging expenses incurred by employee for himself at headquarters are personal to him and may not be provided at Government expense. Consequently, lodging expenses of wife, as attendant, are not reimbursable. As employee was not authorized use of automobile on official business, parking fees may not be paid.

This decision concerns the claim of Mr. Gerald Goldberg, an employee of the General Accounting Office (GAO), for reimbursement of the cost of lodging for 2 nights at the Washington Hilton Hotel, Washington, D.C., on April 30 and May 1, 1980, for himself and his wife who accompanied him as his attendant. Mr. Goldberg also claims the costs incurred in parking his automobile at the Washington Hilton Hotel on the above dates. The Deputy Director of his division has denied the employee's claim for reimbursement of lodging costs and parking fees.

Mr. Goldberg is employed at GAO Headquarters in Washington, D.C., and is President of the Handicapped Advisory Committee at GAO. He and two other GAO employees attended the 1980 annual meeting of

~~016085~~

114685

B-198471

the President's Committee on Employment of the Handicapped held at the Washington Hilton Hotel, Washington, D.C., on April 30 through May 2, 1980. In a prior decision, Gerald Goldberg et al., B-198471, May 1, 1980, we held that the agency could pay the cost of meals incident to attendance at this annual meeting under stated conditions.

In his memorandum of May 14, 1980, seeking lodging expenses for the same meeting, Mr. Goldberg explains that:

"It was necessary for me to use an electric wheelchair because I could not negotiate the rugs going to many meetings on various floors of the hotel. The meetings were over at 11:30 p.m. both nights. If I had to go home by the time I would have placed the wheelchair in a safe place for the night it would be 12:15 a.m. Driving to my home in Vienna takes about 1 hour, which would be then 1:00 a.m. I could not physically get up again at 5 a.m. and be ready for work the next day.

"It was necessary for my wife to accompany me as my attendant because she was needed to provide 'personal needs' such as getting into bed, washing, toileting and dressing. There was no way I could manage alone."

Mr. Goldberg seeks reimbursement for 2 nights lodging expenses for himself and his wife totaling \$144.16, which includes the cost of the room, sales tax, and occupancy tax. He also claims parking fees charged for his automobile for 2 days totaling \$10.80.

The general rule is that an employee may not be paid a per diem allowance or actual subsistence expenses at his permanent duty station. The subsistence expenses of civilian employees at their official duty stations

B-198471

are considered to be personal to the employees and, in the absence of specific statutory authority, may not be provided at Government expense, regardless of any unusual working conditions involved. Paragraph 1-7.6a, Federal Travel Regulations (FTR) (FPMR 101-7, May 1973); 53 Comp. Gen. 457 (1974); 42 id. 149 (1962); and Richard Washington, B-185885, November 8, 1976.

An earlier decision of this Office, B-182586, December 17, 1974, involved facts and circumstances very similar to the instant case. There, an employee of the General Services Administration (GSA) claimed reimbursement of the expenses he incurred for lodging and meals at his headquarters. We held that the payment of such items was improper. In that case the employee was invited by the President's Committee on Employment of the Handicapped to participate as an exhibitor at its Annual Meeting Exhibition which was held at the Washington Hilton Hotel, Washington, D.C., on May 1-3, 1974. While attending the meeting, the GSA employee expended \$37 from personal funds to cover the cost of two banquets and a luncheon held during the course of the meeting. Additionally, on one day of the meeting, the employee attended certain conferences and activities which continued until 11 p.m. Since meetings and activities were scheduled to resume at 7:30 a.m. the following morning, and in view of the fact that his home was in Centerville, Virginia, agency officials directed the employee to secure lodging at the hotel. He did so at a cost of \$26.50. In denying reimbursement for meals and lodging, we based our decision on the general rule that in the absence of specific statutory authority, the Government may not pay subsistence expenses or per diem to civilian employees at their headquarters, notwithstanding the fact that such expenses were incurred at the direction of Government officials.

In our decision of May 1, 1980, supra, which concerned Mr. Goldberg, we overruled B-182586, supra, with respect to reimbursement of meals at headquarters incident to attendance at meetings, provided certain

B-198471

specific conditions were satisfied. However, the prohibition against payment by the Government for lodging expenses incurred by an employee at his headquarters was left undisturbed. See also Bartholomew L. Aversano, B-185923, November 8, 1976, and Richard Washington, supra.

While we are fully cognizant of and sympathetic to the physical strain that would have been incurred by Mr. Goldberg had he traveled to and from his residence under the circumstances, we are constrained to hold that the lodging expenses incurred for himself for the 2 nights in question at his official duty station were personal to him and, in the absence of specific statutory authority, may not be provided at Government expense. Inasmuch as the employee's lodging expenses are not reimbursable, such expenses incurred by his wife, as his attendant, may likewise not be paid by the Government.

With respect to reimbursement of the claimed parking fees, section 5704, title 5, United States Code, authorizes payment on a mileage basis for the use of a privately owned vehicle by employees when engaged on official business for the Government and, in addition, authorizes reimbursement of parking fees. Section 1-4.1a of the Federal Travel Regulations provides for payment of a mileage allowance for use of a privately owned vehicle on official business within or outside the employee's designated post of duty when such use is authorized or approved. It is clear that, under the above-cited statutory provision and regulation, an employee who is authorized to use his automobile on official business may be reimbursed for the cost of parking fees. Here, however, Mr. Goldberg was not authorized to use his automobile on official business. The claimed parking expenses resulted from his election to stay overnight at the hotel rather than travel to his residence for the 2 nights in question. Susan P. Covell, B-191415, January 12, 1979.

B-198471

Accordingly, the lodging expenses and parking fees claimed by Mr. Goldberg may not be paid.

*Milton J. Fowler*

Acting Comptroller General  
of the United States